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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,216	01/04/2006	Claude Choquet	1569-002	5245

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EXAMINER	
SMITH, CAROLYN L	

ART UNIT	PAPER NUMBER
1631	

NOTIFICATION DATE	DELIVERY MODE
06/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotices@marburylaw.com

Office Action Summary	Application No.	Applicant(s)
	10/540,216	CHOQUET, CLAUDE
	Examiner	Art Unit
	CAROLYN SMITH	1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30,32-50 and 52* is/are pending in the application.

4a) Of the above claim(s) *12 and 36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11, 13-30, 32-35, 37-50, 52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)	
1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission, filed 10/4/10, has been entered.

Amended claims 1, 7, 23, 47-50, 52 and cancelled claims 31 and 51, filed 10/4/10, are acknowledged. Claims 12 and 36 remain withdrawn due to being drawn to non-elected species.

Claims herein under examination are 1-11, 13-30, 32-35, 37-50, and 52.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11, 13-30, 32-35, 37-50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US 2003/0077556 A1) in view of Paton et al. (US 4,680,014).

French et al. describe a virtual simulator system, method, apparatus, computer readable medium, and a computer for neuromuscular training and certification via a communication network (abstract, 0011, 0013, 0043, 0048, 0070, 0071, 0091, 0136, 0160, 0275-0276, 0290,

0359-0360, 0368), as stated in the preamble of instant claim 1 and "computer executable instructions for determining certification based on the training scenarios" as stated in instant claim 52. French et al. describe a database storing data and training scenarios complying with a code of conduct, state-of-the-art, physics law equations, technical code and physical activity techniques and connectable to a communication network (0070-0076, 0290, 0368, 0422, 0425), a multimedia device having a stopwatch circuit and input device connectable to a communication network (0026, 0038, 0040, 0041, 0048, 0176-0190, 0206, 0218, 0359, 0362), an online simulator processor connectable to a communication network (0048, 0160, 0290) capable of retrieving data in response to user selection (0076, 0079, 0087, 0152), generating test elements, parameters, and controls based on the data (0076, 0087, 0155, 0304, 0407, 0422), monitoring use of the input device (0009, 0093, 0097, 0117), performing calculations of a simulated environment in response to use of input device and management of test elements, parameters and controls (0077, 0081-0082, 0086, 0098-0099, 0104, 0107, 0112, 0123, 0152, 0153), generating real time images (0123, 0153, 0218, 0224), and recording test elements in the database (0036, 0070), as stated in instant claims 1, 23, and 48-52. French et al. describe a multimedia device connectable to a virtual simulator system (0026, 0038, 0040, 0041, 0048, 0176-0190, 0206, 0218, 0359, 0362) having an online simulator processor and database via communication network (0048, 0160, 0290, 0070, 0290, 0368, 0422, 0425) comprising a stopwatch circuit and input device (0026, 0038, 0040, 0041, 0048, 0176-0190, 0206, 0218, 0359, 0362), a user interface (0048), a port (0048), and a processor connected to a stopwatch circuit, input device, user interface, and port (0026, 0038, 0040, 0041, 0048, 0176-0190, 0206, 0218, 0359, 0362) comprising units for transmitting data (0048), receiving test elements, parameters, and controls

and simulated environment data (0076, 0087, 0155, 0304, 0407, 0422, 0077, 0081-0082, 0086, 0098-0099, 0104, 0107, 0112, 0123, 0152, 0153), monitoring a management of test elements, parameters, and controls, and displaying real time images (0077, 0081-0082, 0086, 0098-0099, 0104, 0107, 0112, 0123, 0152, 0153, 0218, 0224), as stated in instant claim 47. French et al. describe producing warning signals depending on actions by user (0152, 0430), as stated in instant claims 2, 26. French et al. describe recording and processing real time images (0062, 0069-0071), as stated in instant claims 3 and 27. French et al. describe analyzing real times images (0062, 0069-0071), comparing test result data with model result data and producing consequent markings and recording markings in the database (0070, 0108, 0306, 0307, 0358, 0379, 0429, 0430), as stated in instant claims 4 and 28. French et al. describe building and storing a learning curve in the database (abstract, claims 1-7, 0002, 0007, 0011-0013, 0070, 0107, 0344, 0400-0422), as stated in instant claims 5 and 29. French et al. describe compiling real time images and test elements in a form of playbacks selectively playable (0062, 0069, 0304-0310), as stated in instant claims 6 and 30. French et al. describe the database is formed of an information system database unit and a virtual database unit (0070, 0305, 0307, 0308-0310, 0368), as stated in instant claim 7. French et al. describe the device comprising a user interface displaying real time images (0013, 0048, 0066, claim 3), as stated in instant claims 8 and 32. French et al. describe a process data sheet showing an illustration of the object subjected to a test, instructions, and test elements and parameters (0071, 0083-0085, 0152) and providing test controls for setting up the simulated environment and configuring test parameters (0152), as stated in instant claims 9-10, 25, and 33-34. French et al. describe illustration is from an animation movie in the database (0067-0071), as stated in instant claims 11 and 35. French et al.

describe processing real time images (0048, 0063-0073), as stated in instant claims 13 and 37. French et al. describe test elements such as speed and spatial data (0052, 0067, 0075, 0076, 0407), as stated in instant claims 14 and 38. French et al. describe physical law equations that are mechanical laws (0071, 0075), as stated in instant claims 15 and 39. French et al. describe an input device comprising a motion capture input device (0048, 0002, 0010) and mouse cursor motion (0048), as stated in instant claims 16-17 and 40-41. French et al. describe real time images show a progression of test elements from all angles (0062, 0069, 0261, 0424), as stated in instant claims 18 and 42. French et al. describe test elements, parameters, and controls are configurable by user (0076, 0087, 0074, 0340), as stated in instant claims 19 and 43. French et al. describe classifying the management of physical activities in the database (0007, 0013, 0070, 0046, 0084, 0091), as stated in instant claims 20 and 44. French et al. describe managing training scenarios by inputting test parameters, checking until conformity with technical code to produce a valid training scenario, and updating a training scenario (0091, 0160, 0357-0360, 0363-384, 0389-0398, 0077, 0087, 0153, 0157), as stated in instant claims 21, 24, and 45. French et al. describe selectively providing access to test elements stored in the database (0070, 0076, 0309, 0368-0370), as stated in instant claims 22 and 46. French et al. do not describe use of input device by the user meets minimum requirements to satisfy a welding code.

Paton et al. describe a welder's trainer comprising a welding electrode simulator, electronic model, welding situation visual synthesis electronic model connected to a television-type display as well as input devices (abstract, claims 1-4). Paton et al. describe training with a required training mode, tracking, and monitoring a welder's performance by monitoring required parameters and recording results with a range of permissible limits and determining exactly (i.e.

certifying) the degree of mastering every of the basic welding techniques, comparing codes that coincide, as well as parameter sensitivity limits and estimation of quality of the welding job performed (col. 10, lines 56-65; col. 18, lines 16-32; col. 26, line 16 to col. 28, line 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to certify that minimum requirements were met for a welding code as taught by Paton et al. in the system and method of French et al. wherein the motivation would have been to enhance learning by engaging multiple cognitive functions simultaneously, including kinesthetic learning, as taught by French et al. (0005, 0006). One of ordinary skill in the art would have expected success as both French et al. (0006) and Paton et al. (abstract) deal with hands on training and evaluation.

Thus, French et al. in view of Paton et al. make obvious the instant invention.

Applicant argues French et al. do not teach certifying that the online use of the input device by the user meets minimum requirements to satisfy a welding code. It is noted that French et al. describe an online computer networks (0290) and motor-related components are important to safety, success, and productivity in demanding work environments (0275-0276) and Paton et al. describe training with a required training mode, tracking, and monitoring a welder's performance by monitoring required parameters and recording results with a range of permissible limits and determining exactly (i.e. certifying) the degree of mastering every of the basic welding techniques, comparing codes that coincide, as well as parameter sensitivity limits and estimation of quality of the welding job performed (col. 10, lines 56-65; col. 18, lines 16-32; col. 26, line 16 to col. 28, line 36). Applicant's arguments are deemed unpersuasive for the reasons given above.

Other prior art

Although not being used as prior art, the following reference has been made of record:

Hersh (US 20020106617 A1) describes a multi-media method and system to assess an individual in a virtual work environment using a database, multimedia device, and online simulator processor (abstract, 0073, 0096-0097).

Conclusion

No claim is allowed.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center. The faxing of such papers must conform to the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR §1.6(d)). The Central Fax Center number for official correspondence is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Smith, whose telephone number is (571) 272-0721. The examiner can normally be reached Monday through Thursday from 8 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran, can be reached on (571) 272-0720.

June 15, 2011

/Carolyn Smith/
Primary Examiner
AU 1631